

REMARKS

Claim Rejections

Claims 7-9 are rejected under 35 U.S.C. § 102(e) as being anticipated by Lu (U.S. 6,230,365).

Drawings

It is noted that no Patent Drawing Review (Form PTO-948) was received with the outstanding Office Action. Thus, Applicant must assume that the drawings are acceptable.

Claim Amendments

By this Amendment, Applicant has canceled claim 8 and has amended claim 7. It is believed that amended claim 7 specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, second paragraph.

The cited reference to Lu discloses a hinge for a notebook computer including a flexible sleeve (16) having a flat distal edge (17) and a straight lower portion (18), and a pintle (15) having a first section (150) and a first chamber (151). Lu states, column 2, lines 22-27:

The flexible sleeve (16) has a cross-section substantially shaped as a question mark and includes a straight lower portion (18) and an upper portion shaped as an incomplete circle, whereby a gap is defined between a flat distal edge (17) of the upper portion and the lower portion (18).

Lu teaches the gap formed between the flat distal edge and the lower portion, but does not teach a gap located between a second end of the circular section and a second end of the arched section. Lu teaches a straight lower portion extending from one end of the upper portion shaped as an incomplete circle, but does not teach

an arched section having a first end connected to the fitting part and the first end of the circular section; nor does Lu teach an axial hole defined by the circular section and the arched section.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclosure each and ever feature of the claimed structure. Applicant submits that it is abundantly clear that Lu does not disclose each and every feature of Applicant's claims and, therefore, could not possibly anticipate these claims under 35 U.S.C. § 102. Specifically, Lu does not teach an arched section having a first end connected to the fitting part and the first end of the circular section; an axial hole defined by the circular section and the arched section; nor does Lu teach a gap located between a second end of the circular section and a second end of the arched section. Absent a specific showing of these features, Lu cannot be said to anticipate any of Applicant's amended claims under 35 U.S.C. § 102.

It is further submitted that Lu does not disclose or suggest any modification of the specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Thus, it is not believed that Lu renders obvious either of Applicant's amended claims under 35 U.S.C. § 103.

Summary

In view of the foregoing, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should the Examiner not be of the opinion that this case is in condition for allowance, it is requested that this Amendment be entered for the purposes of appeal, since it materially reduces the issues on appeal by cancelling claim 8, thereby rendering moot the outstanding rejections of this claim under 35 U.S.C. § 102.

It is not believed that the foregoing amendments to claim 7 requires any further searching and/or consideration on the part of the Examiner, since such amendment merely includes narrowing the subject matter of claim 7. Thus, the Examiner would have inherently searched the subject matter during the previous consideration of claim 7.

Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: May 19, 2004

By:


Bruce H. Troxell
Reg. No. 26,592

TROXELL LAW OFFICE PLLC
5205 Louisbourg Pike, Suite 1404
Falls Church, Virginia 22041
Telephone: 703 575-2711
Telefax: 703 575-2707